



**MINUTES  
FREMONT PLANNING COMMISSION  
REGULAR MEETING OF JANUARY 26, 2006**

CALL TO ORDER: Chairperson Lydon called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Lydon, Commissioners Chan, Chugh, Harrison, King, Lorenz, and Sharma

ABSENT: None

STAFF PRESENT: Barbara Meerjans, Senior Planner  
Larissa Seto, Senior Deputy City Attorney II  
Scott Ruhland, Associate Planner  
Alice Malotte, Recording Clerk  
Chavez Company, Remote Stenocaptioning  
Miriam Shallit, Video Technician

APPROVAL OF MINUTES: Regular Minutes of January 12, 2006 were approved as submitted.

**CONSENT CALENDAR**

**Commissioner Lorenz** suggested (and it was agreed by all present) that Item No. 6, Ardenwood Corporate Commons, should be added to the consent calendar.

**Commissioner Sharma** suggested that Item No. 1, Castilleja Planned District, should be added to the consent calendar.

**Commissioner Harrison** disclosed that he had met with the applicant concerning this project.

**Commissioner Sharma** made the same disclosure.

A member of the public asked that this item not be placed on the consent calendar, as he wished to speak on it.

**Chairperson Lydon** stated that Item 1 would be handled in the normal course of action.

**Commissioner Sharma** suggested that Item No. 5, Fremont/Decoto General Plan Amendment, be added to the consent calendar.

**Senior Deputy City Attorney Seto** announced that a letter had been hand-delivered to the City from Peter Ni, resident on Armour Way, who disagreed with the report on the project. She suggested that he be asked if he wished to speak on Item No. 5.

**Chairperson Lydon** stated that Peter Ni had indicated that he wished Item No. 5 to be removed from the consent calendar.

THE CONSENT LIST CONSISTED OF ITEM NUMBER 4 AND 6.

IT WAS MOVED (HARRISON/SHARMA) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 4 AND 6.

- Item 4.     BAYSIDE BUSINESS DEVELOPMENT AGREEMENT EXT.– South of Fremont Boulevard Terminus – (PLN2006-00058)** - to consider a time extension of Development Agreement DA-92-1 for the Bayside Business Park, a 159-acre project site generally located on the west side of Interstate 880, north of Dixon Landing Road, south of the current Fremont Boulevard terminus in the Industrial Planning Area. An Addendum to Environmental Impact Report (EIR-89-56) has been prepared.

**CONTINUE TO FEBRUARY 9, 2006 TO ALLOW STAFF AND THE APPLICANT ADDITIONAL TIME TO REVIEW THE PROPOSED DEVELOPMENT AGREEMENT EXTENSION.**

- Item 6.     ARDENWOOD CORPORATE COMMONS - (PLN2006-00120)** - to consider a Planned District Major Amendment to P-81-15, as amended to increase the main building maximum height limit to 75 feet (excluding parapet height) in place of the current 45 foot maximum height limit within the Business Park located in the Northern Plain Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

**ADDENDUM TO STAFF REPORT**

**Environmental Review:** *Staff had initially expressed some concerns that the proposed building height increase may affect the views of Coyote Hills and therefore, requested that the applicant complete a Visual Analysis identifying the request change on the visual landscape. On January 4, 2006 Hoover Associates, submitted a Visual Analysis of the proposed building height increase from five (5) different vantage points within the Business Park. The vantage points in the analysis were chosen in an effort to pick the critical view corridors that could be possible impacted by the proposed building height increase. From reviewing the Visual Analysis presented it appears to indicate that the current allowed main building height provision of 45 feet disrupts the views of Coyote Hills (see Informational Exhibit – Visual Analysis) and therefore, the requested Planned District Major Amendment would not further impact the views of Coyote Hills.*

*Information Exhibit - Visual Analysis prepared by Hoover Associates*

**HOLD PUBLIC HEARING;**

**AND**

**RECOMMEND THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND THE CITY COUNCIL APPROVE THE NEGATIVE DECLARATION AND RECOMMEND THE USE OF A CERTIFICATE OF FEE EXEMPTION AND FIND THESE REFLECT THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**FIND THAT THE PLANNED DISTRICT MAJOR AMENDMENT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND LOCAL ECONOMY CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**  
**FIND THE PLANNED DISTRICT MAJOR AMENDMENT, AS PER EXHIBIT “A”, FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;**  
**AND**  
**RECOMMEND CITY COUNCIL APPROVE PD MAJOR AMENDMENT, PLN2006-00120, TO AMENDED P-81-15, AS AMENDED FOR A MAIN BUILDING HEIGHT INCREASE TO 75 FEET (WITH FLEXIBILITY FOR PARAPET AND MECHANICAL EQUIPMENT HEIGHT AND SCREENING) SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL ON EXHIBIT “A” AND EXHIBIT “B”, LANDS TO WHICH PD MAJOR AMENDMENT SHALL APPLY TO.**

The motion carried by the following vote:

AYES:	7 – Chan, Chugh, Harrison, King, Lorenz, Lydon, and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

## **PUBLIC COMMUNICATIONS**

### **ORAL COMMUNICATIONS**

### **PUBLIC HEARING ITEMS**

It was decided to hear Item 2, because not all City staff was in attendance for the presentation of Item 1.

**Item 2.     IRVINGTON COMMONS– 41762 to 41786 Fremont Boulevard – (PLN2004-00177)** - to consider a Finding for Site Plan and Architectural Approval (SPAA), Vesting Tentative Tract Map, Private Street and Preliminary Grading Plan for the development of a 15 unit multi-family project on a 0.686-acre lot property located in the Irvington Planning Area. A Mitigated Negative Declaration has been previously adopted for this project.

**Jitender Makkar**, designer and applicant, stated that five of the 15 units would front on Fremont Boulevard and they would fulfill some of the Housing Policy goals. Ten of the 15 units would be corner units, which were highly desirable. A color rendering showed the different elevations and how the project would fit with the surrounding neighbors. He had tried to respond to the townhome neighbors at the side and rear. An easement on the left side of the property would become a dedicated greenbelt, and open space would be provided at the center of the development.

**Vice Chairperson Chan** asked if the condition on page 7 that mandated individual garages were to be kept clear of storage so that they could accommodate two vehicles would be incorporated into the CC&Rs. What was a barge board? What was the outcome of the meeting with the neighboring homeowners association to repair or replace the precast wall?

**Mr. Makkar** replied that it would be a part of the CC&Rs. A barge board was a fascia board that was installed on the wall where the roof and the wall met rather than on the eaves. No meeting had been held, as yet, as the location of their fences had to be clarified and whether they wished to retain the current fences or if they should be replaced with new ones, as their fences were six to twelve inches inside the property lines. His proposal included building new fences.

**Commissioner Sharma** asked if Exhibit C, page 4, B-9, concerning additional structures, such as, sunrooms and patio covers, was restricted to structures that were added onto the home.

**Mr. Makkar** replied that a sunroom would not be allowed to be added onto any part of the building.

**Chairperson Lydon** opened the public hearing.

**Nathapong Shugian**, Milpitas resident, asked if any negative comments had been received concerning this project.

**Senior Planner Meerjans** stated that no negative comments had been received.

**Mr. Makkar** thanked staff for their hard work, and he asked that the Commissioners approve this project.

**Chairperson Lydon** closed the public hearing.

**Commissioner Harrison** asked if Condition B-3 could be written so that off street (sic) parking could be reserved for the existing residents and guests of the new project and discourage the residents of this new project from using the street for parking and their garages for storage.

**Senior Planner Meerjans** replied that the intent of the condition was to notice the new owners that they should be using their garages for parking and the parking that was provided on site was for guests.

**Commissioner Harrison** clarified that he was speaking of the off site parking, and he worried that the guest parking would be used by the new homeowners and that their potential on street parking could affect the surrounding neighborhood in a negative way. He asked if "more teeth" could be put into Condition B-3.

**Senior Deputy City Attorney Seto** agreed that the condition could be modified, but the notice (as part of the CC&Rs) would advise the buyers that they should be using their garages and not use the on street parking. However, the streets were public streets and public parking was allowed. She knew of no way to provide "teeth" in the notice.

**Commissioner Lorenz** agreed with the above comments. He was uncomfortable with the amount of guest parking that would be provided in this development, which would be six regular and one handicapped guest parking spaces. He asked how far under parked this plan was at this time. Since there were 15 units in this project, were the guest spaces rounded up? This project would be in proximity to AC Transit and to the downtown. Consequently, fewer guest parking spots could be allowed. With no parking allowed on Fremont Boulevard, he worried that the existing residential areas would be used for overflow parking. Could some of the open space be used for parking? He was not comfortable with tandem parking, which would be provided with two of the units. He knew of a homeowners association in Sunnyvale that had proposed in the CC&Rs that "garage police" would require once a month inspections and all homeowners would have to open their garage doors for inspection by the homeowners association. Another development in Monterey had provided garages for the residents without garage doors, thus storing in the garage by homeowners was avoided.

**Senior Planner Meerjans** stated that the regulation was one-half space of guest parking for each unit. She was not aware of any other project where that was done. City requirements required one covered parking space and one uncovered half space per unit for residence

parking. In this development, two covered parking spaces would be provided, which meant that more parking spaces would be provided to the owners and a little less for guests.

**Senior Deputy City Attorney Seto** suggested that the Commission could to make a finding that sufficient open space, minus additional space that could be used for parking, would be available to the residents.

**Commissioner Harrison** asked if the open space could be dual purpose by using grass blocks that would allow parking.

**Senior Planner Meerjans** stated that those kinds of surfaces had been used to some extent. It would not allow for some types of recreational uses, however. She agreed that different types of surfacing could be considered.

**Commissioner Chugh** asked if this parking issue was really a mute issue, since staff was recommending the project as it had been presented. He believed that if parking did become an issue in the future, the homeowners association would be empowered to ensure that spirit in which this condition was made would be enforced. Were the homeowners being cautioned about parking outside of their garages because it was feared that parking could become a problem in the future?

**Senior Planner Meerjans** stated that because this was a small development, staff had supported the guest parking being short one space. It would be close to bus facilities and the future Irvington BART station, which were the reasons staff had made these findings.

**Commissioner Lorenz** replied that this issue had come up a few times during the year he that he has been on the Commission. He agreed that it was a question of how realistic it was to expect people to not store so much in their garages that there would be no room for parking. He asked for verbiage in the CC&Rs that would state the homeowners association would inspect the garages monthly.

**Commissioner Sharma** suggested that a condition be added to require the applicant to work with staff to create the minimum guest parking by using the common area.

**Senior Planner Meerjans** asked if he wanted staff to work with the applicant to consider where an additional guest parking space could be located.

**Commissioner Harrison** suggested that the Commission find that the proposed landscaping would supercede the required amount of open space; therefore room would have to be found to meet the minimum parking.

**Senior Planner Meerjans** agreed that his suggestion was possible.

**Commissioner Sharma** asked what the condition really meant that concerned no allowance for external structures. Could a sunroom be erected if it were not attached to the building? He questioned the wording of the condition.

**Senior Planner Meerjans** replied that this condition was meant to preclude adding living space, which would preclude an added on sunroom. In the past, attached sunrooms and patio covers were not considered an addition, because it was not conditioned space. It would achieve his goal written this way.

**Vice Chairperson Chan** asked if a condition could be added to specifically limit the garage to parking, rather than storage. She felt that "a separate notice on a bright colored paper" was not enough, as it could get lost when one was moving

**Senior Deputy City Attorney Seto** stated that all of the conditions would be incorporated into the CC&Rs, as noted at the top of Exhibit B, Conditions.

**Commissioner Harrison** suggested that the CC&Rs could note that garages “could be subject to inspection” rather than state that inspections would be mandated.

**Senior Deputy City Attorney Seto** agreed that his suggestion could be added. She also noted that a standard condition for all CC&Rs was that the “city has the right to enforce the regulations but no obligation.” If complaints were made about storage in a garage, the city would have the right to enforce the CC&R requirement that garages could not be used for storage, which would come under a code enforcement type of process.

**Chairperson Lydon** asked who could initiate the city code enforcement.

**Senior Deputy City Attorney Seto** replied that Code Enforcement was typically provided on a complaint-need basis. Typically, a homeowners association was reticent about being involved, because it was effectively having to enforce regulations against their neighbors. Would Code Enforcement go directly to the owner of the garage or would it have to work through the homeowners association?

**Senior Planner Meerjans** replied that Code Enforcement would go directly to the garage of concern.

The following suggested conditions are summarized:

- A. Garages must be used by residents/owners for parking their cars and not for storage, workshops or other uses which would interfere with the ability to park in the garage the number of cars for which the garage was designed to accommodate.
- B. The homeowners association has the right to inspect any garage interior, with reasonable notice, to determine if a(n) resident/owner is violating requirement A, above,
- C. Residents/owners are discouraged from parking their cars on adjacent public streets, as residents/owners should use their garages for parking their cars.
- D. City has the right, but not the duty, to enforce the CC&Rs, including the right to inspect any garage interior as provided in B, above.

**Commissioner Harrison** made a finding that this facility had sufficient landscaping to allow the applicant to work with staff to reduce the amount of open space and to increase guest parking. A condition would be added to the CC&Rs that stated garages would be subject to garage inspections by the city through its normal Code Enforcement.

IT WAS MOVED (HARRISON/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**FIND THE PREVIOUS INITIAL STUDY CONDUCTED FOR THE PROJECT EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES, AND CONCLUDED THAT THE IMPLEMENTATION OF APPROVED MITIGATION MEASURES WOULD REDUCE ALL IDENTIFIED IMPACTS TO A LEVEL OF LESS THAN SIGNIFICANT. THEREFORE, BECAUSE THE PROPOSED PROJECT HAS NOT CHANGE (I.E., SAME NUMBER OF DWELLING UNITS PROPOSED ON THE 0.686-ACRE SITE) FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**FIND THAT THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM FOR THE PROJECT ARE STILL VALID AND THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT, AS MITIGATED, WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FINDING**

THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN AS ENUMERATED WITHIN THE STAFF REPORT AND FINDING EXHIBITS ADOPTED/RECOMMENDED HEREWITH;

AND

FIND THAT THE PROPOSED PROJECT AS SHOWN IN EXHIBIT "A" IS IN CONFORMANCE WITH THE STANDARDS AND POLICES OF THE R-3 ZONING DISTRICT, AND THAT BASED ON THE SITE PLAN AND ARCHITECTURAL APPROVAL PROCESS CONDUCTED, THE EXCEPTIONS GRANTED TO THE GENERAL STANDARDS OF THE DISTRICT ARE WARRANTED FOR THE REASONS MENTIONED IN THE STAFF REPORT;

AND

FIND VESTING TENTATIVE TRACT MAP 7690, PRELIMINARY GRADING PLAN AND PRIVATE STREET SHOWN ON EXHIBIT "B" ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN AND STANDARDS OF THE FREMONT MUNICIPAL CODE;

AND

APPROVE EXHIBIT "A" (FINDING, SITE PLAN AND ARCHITECTURAL APPROVAL), BASED ON FINDINGS AND CONDITIONS IN EXHIBIT "C";

AND

APPROVE EXHIBIT "B" (TENTATIVE TRACT MAP 7690, PRELIMINARY GRADING PLAN AND PRIVATE STREET), BASED ON FINDINGS AND CONDITIONS IN EXHIBIT "D".

The motion carried by the following vote:

AYES:	7 – Chan, Chugh, Harrison, King, Lorenz, Lydon, and Sharma
OES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

- Item 1. CASTILLEJA PLANNED DISTRICT– 48835-48881 Kato Road – (PLN2005-00348)** - to consider a Preliminary and Precise Planned District for the development of 114 single-family detached units and associated landscaping, private open space, access and circulation improvements on a 7.04-acre lot in the Industrial Planning Area. A Mitigated Negative Declaration, PLN2004-00272, was previously adopted for this project.

**Commissioner Lorenz** recused himself because of his financial dealings with the developer.

**Commissioner Sharma** disclosed that he had met with the applicant.

**Chairperson Lydon** invited Mike Neil, who had asked that this item be pulled from consent, to speak.

**Mike Neil**, member of Mission Springs Community Church, stated that his church contributed to the community through helping children, adults, the hungry and the poor. However, his church would need to be relocated from its current location, as a result of this project and he asked for future consideration from the city as they searched for a new home in the same type of I-R Industrial zoning. He thanked Santa Clara Development for their facilitation while the church tried to find a new location.

**Senior Planner Meerjans** stated that a Conditional Use Permit would be needed when the church relocated and staff would be happy to inform the church of the zoning of any sites they might be considering. They would have to undergo a process that would bring them before the Planning Commission for approval of the CUP.

**Chairperson Lydon** asked if the speaker understood staff's response.

**Mr. Neil** stated that he did.

**Commissioner Sharma** asked if the speaker was saying that his church was not opposed to the project, but wanted to make sure that the Commission was aware of the church's situation.

**Mr. Neil** agreed.

**Chairperson Lydon** noted that the city "distinguishes itself in taking care of situations like this.

IT WAS MOVED (HARRISON/KING) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-0-1) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREVIOUSLY CIRCULATED AND ADOPTED FOR THE GENERAL PLAN RE-DESIGNATION AND REZONING, PLN2004-00272, HAS EVALUATED THE POTENTIAL IMPACTS THAT THIS PROJECT COULD CAUSE, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY CIRCULATED AND ADOPTED FOR THE GENERAL PLAN RE-DESIGNATION AND REZONING, PLN2004-00272, ADEQUATELY ADDRESSES POTENTIAL IMPACTS ARISING FROM THE PROPOSED PROJECT AND THE IDENTIFIED MITIGATION MEASURES, WHICH ARE INCORPORATED AS CONDITIONS OF APPROVAL, WILL REDUCE POTENTIAL IMPACTS TO LESS THAN SIGNIFICANT LEVELS AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE MITIGATION MONITORING PLAN (EXHIBIT "D") FOR CASTILLEJA PLANNED DISTRICT (PLN2005-00348);**

**AND**

**RECOMMEND TO THE CITY COUNCIL FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**

**RECOMMEND TO THE CITY COUNCIL FIND PLN2005-00348, AS PER EXHIBIT "C" (PRELIMINARY/PRECISE SITE PLAN, ARCHITECTURAL ELEVATIONS, FLOOR PLANS AND LANDSCAPE PLANS), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE; AND FURTHER RECOMMEND THAT THE CITY COUNCIL FIND THAT THE REQUESTED DEVIATIONS FROM THE CITY'S PRIVATE VEHICLE ACCESS WAYS (PVAW'S), AND ZONING STANDARDS, ARE JUSTIFIED FOR THE REASONS SET FORTH IN THE STAFF REPORT AND IN FINDING NO. 4;**



**AND**

**RECOMMEND TO THE CITY COUNCIL THE REZONING AS SHOWN ON EXHIBIT "A" (ZONING EXHIBIT) AND EXHIBIT "C" SHEET(S) (PRELIMINARY/PRECISE SITE PLAN, ARCHITECTURAL ELEVATIONS, FLOOR PLANS AND LANDSCAPE PLANS) AND EXHIBIT "E" (COLOR BOARD) FOR PLN2005-00348 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "B".**

The motion carried by the following vote:

AYES:	6 – Chan, Chugh, Harrison, King, Lydon, and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	1- Lorenz

- Item 3.     THE GLOBE – 6000 Stevenson Boulevard – (PLN2005-00061)** - to consider a General Plan Amendment to change the land use designation from General Industrial with Commercial-Industrial Overlay to High Volume Retail for two properties located in the Industrial Planning Area. A Focused Environmental Impact Report has been prepared and circulated for this project.

**MODIFICATIONS TO STAFF REPORT**

- E-4 Prior to the final map and subdivision improvement plans being scheduled for City Council, easements controlled by utility agencies (ACWD, USD, ACFC&WCD, PG&E, etc.) and private parties, shall have been vacated in entirety, partially vacated, ~~or~~ conditionally approved for vacation, *or the City shall receive a letter from the utility agency stating their intent to vacate*, as conceptually shown on planned district Exhibit C.
- E-5 Prior to the final map and subdivision improvement plans being scheduled for City Council, ~~Planning Commission consideration of a tentative map for this project~~ the developer shall apply for and receive approval of an easement vacation for the sidewalk easement along Kato Road.
- E-6 The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- E-7 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land and be recorded at the same time that the final map is recorded.
- E-8 The project shall incorporate additional site design measures to reduce the water quality impacts of the project. Site design measures shall include some of the following, but are not limited to: using permeable pavers or permeable pavement for sidewalks in the paseos and for guest parking stalls between houses; installing infiltration planters within the paseos to filter runoff from roofs; and expanding the use of pervious gutters throughout the site, specifically within the auto courts to achieve at least 50% biological treatment of the stormwater. The remainder of the site, at a minimum, shall be treated with a CDS unit with;~~and adding a media filter to the proposed CDS unit.~~ Final storm water treatment site design and details shall be subject to review and approval of the City Engineer, prior to final map approval.

E-9 Water main connections this project and the adjacent project to the south, Warm Springs Village by KB Home, shall be coordinated and will be subject to final review and approval by the Alameda County Water District (ACWD) and the City Engineer, prior to final map approval.

E-10 Prior to final map approval and approval of improvement plans for the realigned storm 48-inch storm drain within the project site, the developer shall map the hydrology of the existing public storm drain system upstream of the project site to the manhole at the intersection of Scott Creek Road and Riesling Street. The realigned storm drain shall be increased in size (greater than 48 inches but not more than 60 inches) if the increase is shown to lower the hydraulic grade line at in the upstream system, subject to review and approval of the City Engineer.

E-11 Prior to issuance of building permits for proposed buildings within existing easements, the easements shall be vacated by the holder of the easement. Such existing easements include, but are not limited to: a 15-foot easement to Alameda County Flood Control and Water Conservation District; a 15-foot easement to Alameda County Water District; a 10-foot P.G.&E. easement.

~~E-12 Prior to recordation of the final map for planned lots encumbered by the existing 15 foot wide easement to Alameda County Flood Control and Water conservation District easements and the existing 15 foot wide easement to Alameda County Water District, the easements shall be conditionally vacated by those agencies.~~

**Roger Shanks**, representative for Imperial Investment and Development Company, stated that this site was a blighted site with an old building and numerous vacancies. This would become an international, multicultural, event center with restaurants, shops, boutiques and offices that would represent the diversity of the City of Fremont. If this General Plan Amendment was approved, then an planned district would be brought back to the Commission for review and approval of the design of the center, itself, which would include the removal of some of the buildings and the remodeling of others. Consultants were available for questions.

**Commissioner Harrison** recalled the widening of Encyclopedia Circle had been discussed at the prior hearing, and he asked where that would fit into what was before the Commission currently and in the future.

**Consultant Shanks** replied that Encyclopedia Circle would be improved as the project, itself, moved forward. Currently, it was not a part of the General Plan Amendment. It would be a part of the initial development within the planned district.

**Vice Chairperson Chan** asked the following questions and **Frank Poss**, consultant with PSI, replied, as follows:

- *What kind of hazardous cleanup would occur?*  
There was shallow soil PCB issues and mitigation measures had been approved (with some caveats) by the Fire Department. Also, there were some low-level hydrocarbons in the ground water. They were working with Alameda County Water District concerning the ground water and neither entity had any complaints about the plans that were currently in place.
- *Were there was any lead or asbestos on the site?*  
Asbestos testing would be performed before demolition of the buildings, and he knew of no metal problems on the property.

- *Would testing be performed prior to demolition or during demolition?*  
Testing would be done to identify if asbestos was within the buildings prior to demolition. The demolition plan would include the results of the testing.

**Vice Chairperson Chan** commended the applicant for meeting with the neighbor concerning a barrier between the properties before this item was heard by City Council. Additional questions were:

- *Had a resolution been made regarding a barrier between the properties, as was discussed at the previous meeting?* She commended the applicant for taking that action before this item came before City Council.  
**Consultant Shanks** stated that a six-foot masonry wall would be erected between the two properties.
- *Where might the parking structure be located, if deemed necessary, and how many stories would it be?*  
The parking structure would be located at the upper rear portion of the site between the buildings and Encyclopedia Circle. At this time, it was anticipated that two stories would be adequate.
- *How many vehicles would the parking structure accommodate?*  
**Fred Kim**, applicant's agent, replied that they were not certain how large the structure would be, but ample parking would be supplied to avoid any cross-parking issues.

**Chairperson Lydon** opened the public hearing.

**Consultant Shanks** closed with the statement that this was a very good project and it would be a good General Plan change that would allow an underutilized site to be put to a good economic and cultural use.

**Commissioner Harrison** thanked the applicant for working with the neighbor as this project moved forward.

**Commissioner Sharma** asked if a parking space would be constructed that could be expanded, depending upon the parking demand in the future.

**Associate Planner Ruhland** stated that he was correct. The project would initially meet or exceed its parking requirement. As an example of what he expected would happen with this development, he used the Ikea store in Emeryville, which initially had provided a parking lot for customers and a year later, constructed a parking garage.

**Commissioner King** stated that this project was conceptually interesting. His questions were as follows:

- *Had this concept been developed by the applicant elsewhere?*  
**Consultant Shanks** replied that this company had not used this concept elsewhere.
- *How would these separate types of businesses contribute to ethnic integration? Would only the Vietnamese, for instance, visit only the Vietnamese shops and restaurants?*  
It was hoped that the entire community (regardless of nationality or race) would be interested in going to the center to shop and eat.

- *How many restaurants were anticipated to locate in this center?*  
Approximately 20 to 25 different kinds of restaurants. Some would be freestanding pads, some could be smaller. Restaurants that were expected to locate in this center were: Jackie's Kitchen (from Honolulu), Anamadera (a high-end Vietnamese restaurant), Indian Chi Café (a small facility), Vietnam Dim Sum, International Culinary Arts, Roy's, Straits Café (currently in Santana Row) and Amber's (an Indian restaurant also in Santana Row). In conversations with many community leaders and consulates, they seemed very supportive of this concept.
- *Was it anticipated that the same number of shops would be located in the center?*  
They expected an international market and a Chinese market would open business in the center. It was hoped that boutiques that would sell, for example, wedding dresses from another country, thus, eliminating a trip by the bride to her home country to choose an appropriate dress. Rather than these kinds of businesses being located in the typical "older shopping center," they would have a location that was a part of the culture of Fremont.
- *Was the applicant talking with individuals with the various ethnic backgrounds that were to be represented in this project?*  
Yes, they were.
- *Would the shops be upscale and, for example, sell artifacts indigenous to a particular country? What kinds of shops were expected to locate in the project?*  
**Fred Kim** stated that they expected to create a project that was fiscally sound. Each cultural district would be customized to cater to the demographics of the city. Retail demand was expected to be from middle to upper middle household incomes within the city. They hoped to create a project that would reach out to all cultures. Architectural inspiration had been taken from the source cultures, and they were modified and contemporized for each building. Everyone they had spoken with "loved, loved the idea."

**Eugene Sum**, Sum Architects, added that he and the applicant were "trying to create a fusion of elements from different cultures. They planned to look at new ways of looking at cultural elements from different countries and to collage it in a way that would create "inclusionary principles into the design." This architecture would be specific to Fremont, specific to California and, at the same time, it would respect those elements that come from these cultures.

**Chairperson Lydon** closed the public hearing.

**Commissioner Harrison** asked what was next for this project.

**Associate Planner Ruhland** stated this project was scheduled to be heard by City Council on March 7<sup>th</sup>. The next step would be for the applicant to submit a full development application for a planned district rezoning, among other entitlements, such as, private streets, tract maps, etc. It would come back to the Planning Commission and to the City Council.

IT WAS MOVED (SHARMA/KING) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0)  
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THAT THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -  
- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES BECAUSE THE SITE IS ALREADY DEVELOPED WITH COMMERCIAL USES;**

AND  
RECOMMEND THAT THE CITY COUNCIL FIND THAT THE BENEFITS OF THE PROJECT OUTWEIGH THE IDENTIFIED ENVIRONMENTAL IMPACT TO AIR QUALITY AS IDENTIFIED IN EXHIBIT "B" FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS;

AND  
RECOMMEND THAT THE CITY COUNCIL CERTIFY AND ADOPT THE FOCUSED ENVIRONMENTAL IMPACT REPORT AND FIND THAT IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND  
FIND THAT THE GENERAL PLAN AMENDMENT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND LOCAL ECONOMY CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND  
RECOMMEND THAT THE CITY COUNCIL APPROVE THE GENERAL PLAN AMENDMENT TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FOR PLN2005-00061 IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT EXHIBIT).

The motion carried by the following vote:

AYES:	7 – Chan, Chugh, Harrison, King, Lorenz, Lydon, and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

Chairperson Lydon called for a 10-minute recess at 8:20 p.m.

Chairperson Lydon brought the hearing back to order at 8:32 p.m.

Item 5. **FREMONT/DECOTO GENERAL PLAN AMENDMENT – 3885-3893 Decoto Road and 34826 Fremont Boulevard – (PLN2006-00032, PLN2006-00105, PLN2006-00122)** - to consider a General Plan Amendment and Centerville Specific Plan Amendment to change the land use designation from Low Density Residential 5-7 units/acre to Medium Density Residential 18-23 units/acre, and to remove the Study Area designation, for properties located near the northeast corner of Fremont Boulevard and Decoto Road in the Northern Plains Planning Area. A Mitigated Negative Declaration has been prepared and circulated for this project.

**Associate Planner Ruhland** explained that the City was one of three applicants for this project. Last year, multiple inquiries were received about properties that were for sale in this area. The City decided to head off piece-meal development for these corner parcels and to coordinate them in order to establish an overall design theme to create a well-planned neighborhood. The City had worked with the two applicants to create the General Plan Amendment that was before the Commission. Some historic structures were nearby, which would necessitate staff creating a set of design guidelines and development standards for this corner. The corner contained a total of nine properties with dual zoning, dual General Plan Neighborhood Commercial and single-family residential. The Neighborhood Commercial properties along Fremont Boulevard and a property on the corner of Fremont Boulevard and Decoto Road would not change. The project site totaled approximately 2.65 acres, which could accommodate up to 61 units. The two applicants were in attendance and wished to speak, as well.

**Jitender Makkar** with Edge Concept and applicant, stated that this was a very desirable neighborhood, because of its proximity to the Dumbarton Bridge and I-880. The medium density would allow for some below-market units and would respect the existing the neighboring homes. He was willing to work with the six surrounding neighbors to design a project that would be acceptable to all parties.

**Phoi Phan**, Project Manager with Phan Architects, stated that his clients owned two of the parcels. They looked forward to working with the neighbors and the other parties associated with this project.

**Vice Chairperson Chan** asked if any meetings had been held with the neighbors.

**Mr. Phan** replied that no meetings had been held, because no comments had been received by the city and this was the beginning phase of this project.

**Mr. Makkar** stated that he had met with neighbors almost a year ago. Three neighbors were in attendance, of which two were the applicants that Mr. Phan represented. A second round of meetings was held, along with the City, approximately two months ago. He had also met with some of the neighbors privately.

**Vice Chairperson Chan** asked which parcels each applicant owned.

**Mr. Makkar** stated that he owned 3853 Decoto Road, approximately one-half acre facing Decoto Road.

**Mr. Phan** stated that his clients owned the site in the middle, Assessor's Parcel No. 543-314 and the lot adjacent to St. James Catholic Church, Assessor's Parcel No. 543-313-2, which fronted Fremont Boulevard. He stated that he and Mr. Makkar was ahead of he and his clients, since they had started the process after Mr. Makkar.

**Commissioner Sharma** stated that, currently, houses faced Decoto Road with commercial businesses on either side and this application was to rezone the properties at "high" (sic) density. In the applicants' opinion, was it better to rezone or keep the properties the same when taking into consideration the properties facing Decoto Road?

**Associate Planner Ruhland** replied that the corner site was zoned Neighborhood Commercial, the site to the east was occupied by the houses and St. Vincent DePaul was on the other side. It was best to keep the Neighborhood Commercial zoning on the corner; the current zoning ordinance allowed mixed use there. The St. Vincent DePaul site was surrounded on the other two sides by single-family homes and zoned R-1-6 and could, potentially, be developed that way in the future. An existing business was also located there. There was no need to expand to higher density housing on Decoto Road when there was an existing commercial business.

**Commissioner Chugh** asked for clarification as to how the City had become involved with this rezoning.

**Associate Planner Ruhland** replied that three properties would, essentially, be surrounded by these two and the Neighborhood Commercial zoning, which seemed a good time for the city to initiate land use change in order to coordinate development for the future.

**Commissioner Lorenz** asked why only medium density was being considered rather than a higher density zoning. He asked what the development density was across the street.

**Associate Planner Ruhland** answered that medium density had been proposed and that density range seemed a good fit, considering the surrounding uses. He believed the development across the street was 11-15 units per acre.

**Chairperson Lydon** opened the public hearing and reminded anyone who wished to speak to fill out a speaker's card.

**Kwok Shum**, Armour Way resident, questioned the necessity to change the zoning from low to medium density. Would this development increase traffic, because traffic was already heavy between Decoto Way and Fremont Boulevard, in addition to traffic on Paseo Padre Parkway. Rerouting had been planned for Route 84 from the Dumbarton Bridge to Union City and the City of Fremont and he worried about how that would affect traffic. He was not pleased at the idea of townhomes or condominiums backing up to his and his neighbors' backyards.

**Associate Planner Ruhland** stated that a traffic analysis had been performed for a potential 61 units and found that 301 daily trips would be generated and 26 trips at the p.m. peak hour. Based upon the current traffic loads on Fremont Boulevard and Decoto Road, these projects would increase traffic by 0.51 percent, which was not a significant increase. Concerning the necessity of rezoning, the City was simply responding to development applications and trying to create a well-planned development.

**Mr. Shum** asked what the existing level of service was at the present time.

**Associate Planner Ruhland** did not have the existing level of service numbers, but the existing average daily traffic was approximately 33,000 trips on Decoto Road and approximately 26,000 trips on Fremont Boulevard.

**Chairperson Lydon** asked about Route 84.

**Senior Planner Meerjans** stated that the Route 84 proposal was actually Decoto Road and through the large, vacant area behind where the MacDonald's shopping center was located. This project would not touch that area.

**Mr. Shum** added that it was the historical Route 84 and was Alternate No. 1 or No. 2.

**Senior Planner Meerjans** agreed that one of the alternatives was to use Decoto Road. However, the traffic generated by these developments would not have a significant impact on either Decoto Road or Fremont Boulevard.

**Mr. Shum** stated that his neighborhood association had sent a letter opposing the proposals.

**Associate Planner Ruhland** stated that staff was aware of the single-family neighborhood that was behind this development on Armour Way and that was the reason for creating development standards and design guidelines that would carefully evaluate mass and scale of the new units that would respect the single-family neighbors.

**Commissioner Harrison** suggested that when the proposed developments came forward for review by the Planning Commission, the tract map should show the single-family residents in relation to the proposed development, along with elevations that showed the existing residences. The neighbors (and the Commission) would be able to get a good sense of how everything would actually look and how their rights would be preserved.

**Associate Planner Ruhland** agreed and stated that the open space area would be located at the back of the developments next to the single-family residences, so that the new units would not be towering over them right in their backyards.

**Commissioner Chugh** asked if there would be another opportunity for the single-family neighbors to be able to express their concerns, if they felt that the spirit in which the City was offering the developers had changed. He asked the speaker what would it take in the developments for him to have less of an opposition.

**Associate Planner Ruhland** agreed and stated that this was the first step in a process where the planned district rezoning would come back for a public hearing at a later date.

**Mr. Shum** stated that he was not opposed to development, but he objected to townhouses or condominiums, because of noise. He would prefer only single-family units to be built. He asked what kind of residences would be built under the proposed medium density zoning.

**Commissioner Chugh** summarized that the speaker's main concerns were noise and that the development stay single-family.

**Senior Planner Meerjans** stated that the very schematic site plans that staff had seen proposed townhouses.

**Mr. Shum** asked if that would not include apartments.

**Associate Planner Ruhland** replied that staff did not anticipate that apartments would be proposed, although it could happen.

**Mr. Shum** stated that he would not like to see apartments.

**Peter Ni**, Armour Way resident and author of the abovementioned letter, stated that his house was one of four houses that would be directly adjacent to these lots. He expressed disappointment that he and the previous speaker were the only neighbors who were attending this meeting. He did not like the idea of 61 families adjacent to his property, as he expected increased noise and loss of privacy. He agreed that the corner "looked bad." After the trees had been removed, the traffic could be seen from his home. He expected that traffic would increase from another development on Decoto Road, which would be in addition to what could be expected from these developments. He asked if the entrance to the development would be on Decoto Road.

**Associate Planner Ruhland** replied that entrances would be both on Decoto Road and Fremont Boulevard.

**Mr. Ni** continued by stating that when the expansion of Route 84 was complete, there would, also, be more traffic. He could see, at this time, that the traffic never stopped; sometimes it was like a war zone. He feared that his environment would become chaotic and congested.

**Chairperson Lydon** asked the speaker what would be acceptable in the development.

**Mr. Ni** answered, "Single house, only." Across the street, behind the MacDonald's a development of 10 or 11 houses were built. It was beautiful and people loved to live there. He could not accept anything else!

**Mr. Makkar** stated that he appreciated the input from the neighbors. However, the City was trying to minimize a massive, high-density development, which would not be supported by the City, for the same reasons that were stated by the neighbors. He agreed that it was important to respect the neighbors' privacy and to minimize the massing of the neighboring buildings. Other than these four single-family properties, other neighbors were not single-family homes and could accommodate higher density development. Single-family development on this property would undermine the ability to address the acute shortage of



housing in the City of Fremont. A medium density development would provide these neighbors the opportunity for a better view than what they had at the present.

**Commissioner Harrison** asked if these projects would “pencil out” if single-family residences were built.

**Mr. Phan** stated that a project would not be economically feasible if it were made up of single-family homes.

**Commissioner Harrison** asked for a description of how the historic preservation phase would be carried out.

**Mr. Phan** stated that the historic structures were on his site and he was working with staff to decide if they should be moved to somewhere on site or off site.

**Vice Chairperson Chan** asked the anticipated price range for the townhomes. She asked for assurance that the neighbors’ would be taken into consideration when creating the site plan and during construction.

**Mr. Phan** replied that they expected a 2008 completion with a range of 800,000 to 825,000 dollars for a 2,000 square foot home plus garage. When the site plan and massing of the buildings was in the process of being created, he expected to work closely with the neighborhood to alleviate their concerns. For example, they could have reduced sized units adjacent to the adjacent neighbors and parking and open spaces could be placed near those properties.

**Mr. Makkar** added that the design guidelines that staff was creating would direct them. He hoped that it would be done sooner than later, so that they could work with the neighbors as soon as possible and create a well-developed project. The City required that the developer go through a rigorous process, which included meeting with staff and approval by the Planning Commission and City Council. Everyone should have plenty of time to make their concerns known.

**Vice Chairperson Chan** asked if neighbors, such as the two speakers, would be kept abreast of the progress.

**Associate Planner Ruhland** stated that they would absolutely be kept informed. A community meeting would be in order, once the process was underway.

**Commissioner Chugh** asked if a combination of single-family homes and townhomes would be economically possible.

**Mr. Phan** stated that investors would be very happy if the developments consisted of single-family homes, as they were very desirable. However, the minimum lot requirements would probably influence that decision.

**Associate Planner Ruhland** agreed that his suggestion could be explored.

**Commissioner Chugh** stated that it was important to have a discussion about the interests of the neighborhood. He emphasized to the speakers that there would be a chance to hear and speak about these projects again and, perhaps, more of the neighbors would be present then. He stated that there was a very good chance that this project would move forward and he suggested that they should start thinking about what it would take for them to be able to coexist with the projects.

**Commissioner King** was impressed by the arguments made by the neighbors. He asked if either applicant had actually met with the neighbors.

**Mr. Phan** replied that he had not met with the neighbors.

**Commissioner King** stated that he would vote against these projects, because he felt that the meetings should take place first. He understood that the applicants felt it was not economically feasible to build single-family homes, but he had not been presented with any facts to prove that. He did not want people who had owned their homes for a long time to be run “roughshod” over. He understood that new housing must be provided, but meetings should be held with neighbors first. When these projects came back to the Commission, he wanted to hear “why it isn’t economically feasible to do it any other way.”

**Mr. Makkar** replied that no comments or opposition had been heard during the past few months. Even this morning when he spoke with staff, no response had been received. Nothing could have been done, in this regard.

**Associate Planner Ruhland** clarified that the meeting with neighbors that was mentioned earlier was an internal meeting with the neighbors of these project sites, rather than meetings with outside neighbors. No community or formal meetings with the neighbors had been held. A meeting had been planned after the environmental review document went out in September 2005 with a 30-day review period. No calls were received, so it was decided not to have a meeting. This was the first time staff had heard from the neighbors. Certainly a community meeting would be held, if these projects moved forward.

**Commissioner Sharma** asked if all neighbors within 300 feet had been noticed.

**Associate Planner Ruhland** replied that they had.

**Commissioner Lorenz** stated that he had anticipated that some neighbors would attend who objected to townhomes backing up to their single-family homes and their larger lots. He recalled a very high-density project being built in Centerville. To satisfy the surrounding neighbors there, a “buffer zone” of single-family homes was being built to graduate people into the development.

**Chairperson Lydon** recalled a Planning Commission discussion last year concerning the Housing Element and this very corner had been discussed. A much higher density was talked about that would help to achieve some of the goals of the Housing Element. The idea met stiff resistance from the neighbors who were in attendance that evening. Tonight’s proposal represented a compromise between high density and single-family development. Since there had been plenty of opposition before, he wondered if the two neighbors who were present at this meeting indicated acceptance by the rest of the community.

**Associate Planner Ruhland** agreed that it was this corner that had concerned many of the neighboring citizens. However, the church property next door had been included with the Housing Element site.

**Commissioner Sharma** commented that the properties in that neighborhood were not in good shape and needed to be improved. In other similar developments in the city, transition homes were built next to existing single-family homes with higher density homes built next to them. With 800,000 dollars expected to be paid for a home in a medium density project, the neighbors homes would become more valuable, especially those homes on larger lots.

**Chairperson Lydon** closed the public hearing.

**Commissioner Harrison** stated that he understood the two speakers' fears. However, he would vote to approve the amendment with a caveat that low-medium density be considered, which could mean as few as 48 new homes. It was not fair to the existing neighbors to plan for the maximum density. A mix of single-family and townhomes would be good. Staff's report described this area as "a perceived blighted area," which was very polite and these projects could be the "shot in the arm" that would help the whole area. He agreed with staff about not including the existing three homes and businesses in the rezoning. It seemed that smaller projects seemed to impact the surrounding neighborhoods more than larger projects.

**Commissioner King** concurred and also wished to accommodate the neighbors while creating feasible developments. He would support the project if it could be on the lower end of medium density.

**Senior Deputy City Attorney Seto** stated that "wishing" did not always result in what was wished for. These applicants would need to come back before the Planning Commission and the City Council for approval of a planned district rezoning. To the extent that the Commissioners expressed their desires, the applicants would leave understanding those desires and they probably understood that if the project did not meet those wishes and desires, it probably would not be approved.

**Commissioner King** thanked her for her succinct answer, which had clarified his thinking.

**Commissioner Lorenz** seconded his comment.

**Commissioner Sharma** summarized that this hearing was just for density rezoning. Down the road, the neighborhood would have a chance to take part in the decision concerning how many units would be built and how they would be arranged. This was just the beginning.

**Commissioner Harrison** reminded the applicants that a few of the Commissioners hoped to see the lower end of the density range when the planned district comes back to the Commission for approval.

IT WAS MOVED (LORENZ/SHARMA) AND CARRIED BY THE FOLLOWING VOTE (7-0-0-0) THAT THE PLANNING COMMISSION **HOLD PUBLIC HEARING;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY HAS EVALUATED THE POTENTIAL FOR THIS PROJECT TO CAUSE AN ADVERSE EFFECT -- EITHER INDIVIDUALLY OR CUMULATIVELY -- ON WILDLIFE RESOURCES. THERE IS NO EVIDENCE THE PROPOSED PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE DRAFT MITIGATED NEGATIVE DECLARATION WITH ACCOMPANYING CERTIFICATE OF FEE EXEMPTION AND FIND IT REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;**

**AND**

**RECOMMEND THAT THE CITY COUNCIL APPROVE OF THE MITIGATION MONITORING PLAN FOR FREMONT/DECOTO GENERAL PLAN AMENDMENT, PLN2006-00032, -00105, -00122;**

**AND**

**FIND GENERAL PLAN AMENDMENT AND CENTERVILLE SPECIFIC PLAN AMENDMENT, PLN2006-00032, -00105, -00122, IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND HOUSING CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT, PLN2006-00032, -00105, -00122, TO AMEND THE GENERAL PLAN LAND USE DESIGNATION IN CONFORMANCE WITH EXHIBIT "A" (GENERAL PLAN AMENDMENT EXHIBIT);**

**AND**  
**RECOMMEND THAT THE CITY COUNCIL APPROVE CENTERVILLE SPECIFIC PLAN AMENDMENT, PLN2006-00032, -00105, -00122, TO AMEND THE CENTERVILLE SPECIFIC PLAN IN CONFORMANCE WITH EXHIBIT "B" (CENTERVILLE SPECIFIC PLAN EXHIBIT).**

The motion carried by the following vote:

AYES:	7 – Chan, Chugh, Harrison, King, Lorenz, Lydon, and Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	0
RECUSE:	0

## **MISCELLANEOUS ITEMS**

Information from Commission and Staff:

**Chairperson Lydon** announced that this was the last meeting for **Senior Deputy City Attorney Seto**, and the Commission would no longer have her sterling opinions and the delicious treats that she brought to the meetings. She had accepted a position with fewer hours with her former employer in a neighboring city that would allow her more time to spend with her new baby. He thanked her for her excellent job.

**Senior Deputy City Attorney Seto** warned the Commission that although she was going to work for a neighboring city, she still would live in Fremont and she might have comments to make from the other side of the podium.

- Information from staff: Staff will report on matters of interest.
- Information from Commission: Commission members may report on matters of interest.

**Commissioner Sharma** noticed that Item No. 7 had been misprinted.

**Senior Planner Meerjans** agreed.

**Commissioner Sharma** had noticed that the construction site on Washington Boulevard was kept neat and clean; however, across the street where the employees parked was littered with trash. He asked if someone could remind them to pick up their trash, as it was an area in which he usually picked up trash.

**Senior Planner Meerjans** promised to mention his concern to the building inspectors.

Meeting adjourned at 9:30 p.m.

SUBMITTED BY:

APPROVED BY:

Alice Malotte  
Recording Clerk

Barbara Meerjans, Secretary  
Planning Commission